Docket No.: HI-0159

AUG. 2 2 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES

In re Application of	Confirmation No.: 4055
Jang Geun OH	Group Art Unit: 2674
Serial No.: 10/621,369	Examiner: Stephen G. Sherman
Filed: 7/18/2003	**Customer No.: 34610**

For: APPARATUS AND METHOD FOR CONTROLLING BRIGHTNESS LEVEL OF A DISPLAY

TRANSMITTAL OF APPEAL BRIEF

U.S. Patent and Trademark Office
Customer Window, Mail Stop Appeal Brief-Patents
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

Submitted herewith is Appellant's Appeal Brief in support of the Notice of Appeal filed July 11, 2007. Attached is Form PTO 2038 for the Appeal Brief fee of $500.00.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,

KED & ASSOCIATES, LLP

David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3777 DCO/kah
Date: August 22, 2007

Docket No.: HI-0159

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCE

In re Application of

Jang Geun OH

Serial No.: 10/621,369

Filed: July 18, 2003

Confirmation No.: 4055

Group Art Unit: 2674

Examiner: Stephen G. Sherman

Customer No.: 34610

For: APPARATUS AND METHOD FOR CONTROLLING BRIGHTNESS LEVEL
        OF A DISPLAY

APPEAL BRIEF

U.S. Patent and Trademark Office
Customer Window, Mail Stop Appeal Brief-Patents
Randolph Building
401 Dulany Street
Alexandria, Virginia 223134

Sir:

This appeal is taken from the rejection of claims as set forth in the Office Action of

February 21, 2007 (hereinafter the Office Action). In accordance with 37 C.F.R. §41.37,

appellant addresses the following items.

REAL PARTY IN INTEREST

The real party in interest is the assignee, LG Electronics Inc. The assignment document

is recorded beginning at Reel 014314 and Frame 0330.

RELATED APPEALS AND INTERFERENCES

There are no known related appeals and interferences.

STATUS OF THE CLAIMS

This is an appeal from the final rejection dated February 21, 2007 of claims 28, 30-41 and 47-50. All pending claims 28, 30-41 and 47-50 are rejected and claims 1-27, 29 and 42-46 have been canceled.

STATUS OF AMENDMENTS

All Amendments filed in this application have been entered. A copy of appealed claims 28, 30-41 and 47-50 appears in the attached Claims Appendix.

SUMMARY OF THE CLAIMED SUBJECT MATTER

As stated in 37 C.F.R §41.37(c)(v), appellant is providing the following explanation of each of the independent claims 28 and 36 involved in this appeal. This explanation refers to the specification and drawings. The following is merely an example summary and is not intended to be a discussion of the full and entire scope of the claims. Other interpretations, configurations and embodiments are also within the scope of the pending claims.

Independent Claim 28

The present specification describes a method of setting brightness control codes of a display. For example, see FIGs. 2, 5 and 7 and paragraphs [0012]-[0015].

The method may include driving the display. For example, see paragraphs [0030] and [0042] and FIGs. 2 and 5 showing an inverter 30 and a microcomputer 40.

The method may also include sensing a brightness of the display. For example, see paragraph [0027] and FIG. 2 showing the sensor 20 to detect brightness of the LCD 10.

The method may include adjusting the driving of the display until the display is driven at a predetermined brightness based on the sensed brightness. For example, see paragraphs [0050]-[0051] and FIG. 7, steps S75, S79, S80 and S81.

The method may also include setting an adjusted brightness control code corresponding to the predetermined brightness of the display. For example, see paragraphs [0043] and [0050] and FIG. 7, step S76.

The driving may include initially driving the display using a brightness control code provided by a display manufacturer. For example, see paragraphs [0034] and [0037].

The method may further include that setting the adjusted brightness control code includes setting a new brightness control code corresponding to the predetermined brightness, the new brightness control code replacing the brightness control code provided by the display manufacturer. For example, see paragraphs [0044]-[0045] and [0051]-[0052].

Independent Claim 36

The present specification describes a method of controlling a display. For example, see FIGs. 2, 5 and 7 and paragraphs [0012]-[0015].

The method may include driving the display. For example, see paragraphs [0030] and [0042] and FIGs. 2 and 5 showing an inverter 30 and a microcomputer 40.

The method may also include sensing a brightness of the display. For example, see paragraph [0027] and FIG. 2 showing the sensor 20 to detect brightness of the LCD 10.

The method may include adjusting the driving of the display until the display is driven at a predetermined brightness based on a result of the sensed brightness. For example, see paragraphs [0050] and [0051] and FIG. 7, steps S75, S79, S80 and S81.

The method may also include setting an adjusted brightness control code corresponding to the predetermined brightness. For example, see paragraphs [0043] and [0050] and FIG. 7, step S76.

The method may further include repeating the driving, sensing, adjusting and setting a plurality of times to set a plurality of different brightness control codes corresponding to a plurality of different predetermined brightnesses of the display. For example, see paragraph [0051] and FIG. 7, steps S77 and S78.

Additionally, the method may include using one of the brightness control codes corresponding to a desired brightness level to drive the display at the desired brightness level. For example, see paragraphs [0037]-[0038].

4

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 28, 30-41 and 50 stand rejected under 35 U.S.C. §102(e) by U.S. Patent 6,559,826 to Mendelson et al. (hereafter Mendelson).

Claims 47-49 stand rejected under 35 U.S.C. §103(a) over Mendelson in view of U.S. Patent 5,786,801 to Ichise.

As discussed below in the section entitled "Argument" appellant has separately made arguments for each of the claims. Appellant believes that each of the claims stands and falls separately from one another.

ARGUMENT

The present application contains two independent claims, namely independent claims 28 and 36. These claims contain different features as may be evidenced by the specifically claimed features and/or as may be pointed out below. For ease of illustration and discussion, similar types of claims (and/or claim features) may be discussed with respect to each other. This is not an admission that the claims are the same or that they stand or fall together. Rather, this is an attempt to narrow the number of issues and to limit the number of arguments. While arguments may be similar for different claims, it should be understood that differently claimed features are expressly used.

Appellant is providing arguments below to show that the applied references do not teach or suggest the features of each of the respective claims. Each of independent claims 28 and 36 is

believed to define patentable subject matter as discussed below. Each of the dependent claims depends from at least one of the independent claims and therefore defines patentable subject matter at least for this additional reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

Independent Claim 28

Independent claim 28 recites driving the display, sensing a brightness of the display and adjusting the driving of the display until the display is driven <u>at a predetermined brightness</u> based on the sensed brightness. Independent claim 28 further recites <u>setting an adjusted brightness control code corresponding to the predetermined brightness of the display</u>, wherein the driving includes initially driving the display using a brightness control code provided by a display manufacturer, and wherein <u>setting the adjusted brightness control code includes setting a new brightness control code</u> corresponding to the predetermined brightness, the new brightness control code replacing the brightness control code provided by the display manufacturer.

In at least one non-limiting example, the present specification describes outputting <u>a same brightness</u> irrespective of product characteristics of different manufacturers. For example, a brightness control code <u>corresponding to a predetermined brightness</u> of the display may be changed to a new brightness control code <u>corresponding to the predetermined brightness</u> of the display. See LCD #B in FIGs. 3 and 6 as well as paragraphs [0042]-[0045] and especially paragraph [0045]. In contrast, Mendelson discloses replacing a new updated reference profile.

This does not suggest the features of independent claim 28 relating to a predetermined brightness.

More specifically, Mendelson does not teach or suggest adjusting the driving of the display until the display is driven <u>at a predetermined brightness</u> and setting an adjusted brightness control code <u>corresponding to the predetermined brightness</u> of the display. The Office Action (on page 4) cites Mendelson's FIG. 11, step 1145 as teaching setting an adjusted brightness control code. The Office Action specifically states that storing the updated profile <u>means</u> that the brightness control code is set in memory. Appellant respectfully disagrees with the assertions made on page 4, lines 4-6 of the Office Action. Mendelson states that <u>luminance ratios</u> are stored in a memory device for constructing a table and that an update reference profile <u>including the table</u> is stored within the memory device. See Mendelson's col. 16, lines 1-16. Mendelson does not teach that the updated information is an adjusted brightness control code <u>corresponding to the predetermined brightness</u> (which is the predetermined brightness of adjusting the display).

The Advisory Action dated June 20, 2007 states (on page 2) that the table described in col. 16, lines 1-16 correlates voltage settings, brightness and temperature. However, this does not suggest an adjusted brightness control code corresponding to a predetermined brightness, as recited in independent claim 28. Further, the cited section does not suggest a predetermined brightness where the predetermined brightness is also driving the display at the predetermined brightness.

Mendelson describes that updated information corresponds to luminance ratios. See, for example, col. 16, lines 29-30 discussing "determines the change is relative contribution of each pair of lamps." See also col. 16, lines 23-37 discussing "recalculates the luminance ratios based on the new luminance values" and comparing the luminance ratios to initial ratios to determine a degradation of the lamps. Mendelson's disclosure relates to white balance and adjustment of relative percentage contributions of red, blue and green intensity components. See col. 1, line 42-col. 2, line 7 and most particularly col. 1, lines 61-63. Mendelson does not suggest the specific features relating to setting an adjusted brightness control code (or to setting a new brightness control code) corresponding to a predetermined brightness of the display.

Additionally, Mendelson does not teach or suggest adjusting the driving of the display until the display is driven at a predetermined brightness based on the sensed brightness, as recited in independent claim 28. The Office Action (on page 3) cites Mendelson's FIG. 11, steps 1115-1130 for these features. However, the cited section discusses that images are displayed with the lamps set at four relative intensity levels (i.e., different combinations of maximum or minimum). See col. 15, lines 2-24; and Table 1 at col. 6, lines 57-64. Maximum and minimum intensity levels are not a predetermined brightness based on a sensed brightness.

Mendelson then discloses that a red image, a green image and a blue image are separately displayed at a relative intensity level as shown in Table 2. However, Mendelson does not include any Table 2. See col. 15, lines 30-45. Mendelson's disclosed use of "intensity level" relates to "maximum" or "minimum." See Table 1. Appellant respectfully submits that the driving of a

display by using lamps at a maximum or minimum does not teach or suggest driving a display until the display is driven at a predetermined brightness based on the sensed brightness. Mendelson does not suggest the "until" aspect or the "based on the sensed brightness" aspect. See, for example, FIG. 7, steps S75, S79, S80 and S81 of the present specification showing at least one example of the driving of the display until the display is driven at a specific brightness. The maximum or minimum of a lamp as discussed in Mendelson is not a predetermined brightness based on the sensed brightness.

The Advisory Action (on page 2) states that Mendelson drives the display at a predetermined brightness by driving the display at a predetermined voltage. See Advisory Action, page 2, lines 15-18. However, independent claim 1 very specifically recites "adjusting the driving of the display until the display is driven at a predetermined brightness based on the sensed brightness." Mendelson does not teach this. The Advisory Action even states on page 2, lines 19-20 that the brightness of Mendelson's display is not going to equal the "predetermined" brightness. Mendelson does not drive the display until the display is driven at a predetermined brightness. For example, driving at a predetermined voltage (as alleged in the Advisory Action) is not driving at a predetermined brightness based on a sensed brightness.

Still further, Mendelson does not teach or suggest that setting the adjusted brightness control code includes setting a new brightness control code corresponding to the predetermined brightness, and the new brightness control code replacing the brightness control code provided by the display manufacturer, as recited in independent claim 28.

For at least the reasons set forth above, Mendelson does not teach or suggest all the features of independent claim 28. Ichise does not teach or suggest the features of independent claim 28 missing from Mendelson. Thus, independent claim 28 defines patentable subject matter.

Dependent Claim 30

Dependent claim 30 depends from independent claim 28 and therefore defines patentable subject matter at least for this reason. However, dependent claim 30 contains additional features such that dependent claim 30 does not stand or fall together with independent claim 28.

For example, dependent claim 30 recites that the driving, sensing, adjusting and setting are performed a plurality of times to set a plurality of different brightness control codes corresponding to a plurality of different predetermined brightnesses. The Office Action cites Mendelson's FIG. 11, steps 1115, 1120, 1125 and 1130 for these features. However, the steps merely discuss displaying white/red/green/blue images at various levels. This does not suggest that sensing, adjusting and setting are performed a plurality of times to set a plurality of different brightness control codes corresponding to a plurality of different predetermined brightnesses. Mendelson does not teach or suggest a plurality of different brightness control codes corresponding to a plurality of different predetermined brightnesses. Mendelson also does not relate to a plurality of different predetermined brightnesses.

The applied references do not teach or suggest the features of dependent claim 30. Thus, dependent claim 30 defines patentable subject matter at least for these additional reasons.

Dependent Claim 31

Dependent claim 31 depends from dependent claim 30 and independent claim 28 and therefore defines patentable subject matter at least for this reason. However, dependent claim 31 contains additional features such that dependent claim 31 does not stand or fall together with dependent claim 30 and/or independent claim 28.

For example, dependent claim 31 recites storing the plurality of brightness control codes in a memory of the display. The Office Action cites Mendelson's FIG. 11, step 1145 for these features. However, step 1145 relates to storing an updated reference profile within a memory device. However, Mendelson does not teach that the updated reference profile includes a plurality of brightness control codes. Rather, the reference profile relates to luminance ratios. See, for example, col. 16, lines 1-6.

Accordingly, the applied references do not teach or suggest the features of dependent claim 31. Thus, dependent claim 31 defines patentable subject matter at least for these additional reasons.

Dependent Claim 32

Dependent claim 32 depends from dependent claim 30 and independent claim 28 and therefore defines patentable subject matter at least for this reason. However, dependent claim 32 contains additional features such that dependent claim 32 does not stand or fall together with dependent claim 30 and/or independent claim 28.

For example, dependent claim 32 recites storing the plurality of brightness control codes in at least one of a system BIOS, an operating system and a microcontroller of a computer system. The Office Action cites several sections of Mendelson. However, the cited sections do not relate to storing a plurality of brightness control codes. Rather, the updated reference profile relates to luminous ratios. See, for example, col. 16, lines 1-6.

Accordingly, the applied references do not teach or suggest the features of dependent claim 32. Thus, dependent claim 32 defines patentable subject matter at least for these additional reasons.

Dependent Claim 33

Dependent claim 33 depends from dependent claim 30 and/or independent claim 28 and therefore defines patentable subject matter at least for this reason. However, dependent claim 33 contains additional features such that dependent claim 33 does not stand or fall together with dependent claim 30 and/or independent claim 28.

For example, dependent claim 33 recites that the setting comprises setting brightness control codes that indicate how to control an inverter that supplies power to the display. The Office Action cites Mendelson's col. 9, lines 28-42 and col. 10, lines 56-67. However, the cited section does not relate to setting brightness control codes and/or brightness control codes that indicate how to control an inverter. Accordingly, the applied references do not teach or suggest the features of dependent claim 33. Thus, dependent claim 33 defines patentable subject matter at least for these additional reasons.

Dependent Claim 34

Dependent claim 34 depends from dependent claim 30 and independent claim 28 and therefore defines patentable subject matter at least for this reason. However, dependent claim 34 contains additional features such that dependent claim 34 does not stand or fall together with dependent claim 30 and/or independent claim 28.

For example, dependent claim 34 recites that the setting includes setting high temperature brightness control codes that provide information about how to control a brightness of the display when the display is operating at a high temperature. The Office Action cites Mendelson's col. 16, lines 56-67 for these features. However, the cited section does not discuss setting high temperature brightness control codes. Accordingly, the applied references do not teach or suggest the features of dependent claim 34. Thus, dependent claim 34 defines patentable subject matter at least for these additional reasons.

Dependent Claim 35

Dependent claim 35 depends from independent claim 28 and therefore defines patentable subject matter at least for this reason. However, dependent claim 35 contains additional features such that dependent claim 35 does not stand or fall together with independent claim 28.

For example, dependent claim 35 recites that the adjusting comprises changing a signal applied to an inverter that supplies power to the display to adjust a brightness of the display. The Office Action cites Mendelson's col. 9, lines 28-42 and col. 10, lines 56-67 for these features. However, the cited sections do not relate to adjusting the driving until the display is driven at a

predetermined brightness by changing a signal applied to an inverter. Accordingly, the applied references do not teach or suggest the features of dependent claim 35. Thus, dependent claim 35 defines patentable subject matter at least for these additional reasons.

Dependent Claim 40

Dependent claim 40 depends from independent claim 28 and therefore defines patentable subject matter at least for this reason. However, dependent claim 40 contains additional features such that dependent claim 40 does not stand or fall together with independent claim 28.

For example, dependent claim 40 recites that the new brightness control code is provided in an EDID format. The Office Action (on page 7) cites Mendelson's col. 9, line 66-col. 10, line 13 for these features. However, Mendelson very clearly describes that updated information is part of a monitor-specific color reference profile 595b (and thus not VESA EDID 595a). See, for example, col. 11, lines 4-8; col. 13, lines 15-52; and col. 15, lines 1-5. Mendelson has no teaching that new brightness control codes are provided in the monitor-specific color reference profile 595b in an EDID format.

Accordingly, the applied references do not teach or suggest the features of dependent claim 40. Thus, dependent claim 40 defines patentable subject matter at least for these additional reasons.

Dependent Claim 41

Dependent claim 41 depends from independent claim 28 and therefore defines patentable subject matter at least for this reason. However, dependent claim 41 contains additional features such that dependent claim 41 does not stand or fall together with independent claim 28.

For example, dependent claim 41 recites that setting the brightness control code occurs after adjusting the driving of the display. Mendelson does not suggest setting brightness control codes after adjusting the driving of the display. Accordingly, the applied references do not teach or suggest the features of dependent claim 41. Thus, dependent claim 41 defines patentable subject matter at least for these additional reasons.

Dependent Claim 47

Dependent claim 47 depends from independent claim 28 and therefore defines patentable subject matter at least for this reason. However, dependent claim 47 contains additional features such that dependent claim 47 does not stand or fall together with independent claim 28.

For example, dependent claim 47 recites that setting the new brightness control code includes increasing by 1 the brightness control code provided by the display manufacturer. The Office Action (on page 9) states that Mendelson does not teach the features of dependent claim 47. The Office Action then cites Ichise's FIG. 3 and col. 5, line 17-col. 6, line 6 for the missing features. However, the cited section does not relate to brightness control codes. Further, the cited section does not teach or suggest increasing by 1 a brightness control code. The example provided in the Office Action does not relate to setting a new brightness control code by

increasing by 1 a brightness control code provided by a display manufacturer. Additionally, there is no suggestion to combine Ichise with Mendelson. That is, Mendelson relates to luminance ratios and an updated reference profile. There is no suggestion to modify Mendelson's teachings to include the features of Ichise's cols. 5-6 so as to reach the features of dependent claim 47.

Accordingly, the applied references do not teach or suggest the features of dependent claim 47. Thus, dependent claim 47 defines patentable subject matter at least for these additional reasons.

Dependent Claim 48

Dependent claim 48 depends from independent claim 28 and therefore defines patentable subject matter at least for this reason. However, dependent claim 48 contains additional features such that dependent claim 48 does not stand or fall together with independent claim 28.

For example, dependent claim 48 recites that setting the new brightness control code includes decreasing by 1 the brightness control code provided by the display manufacturer. The Office Action (on page 9) states that Mendelson does not teach the features of dependent claim 48. The Office Action then cites Ichise's FIG. 3 and col. 5, line 17-col. 6, line 6 for the missing features. However, the cited section does not relate to brightness control codes. Further, the cited section does not teach or suggest decreasing by 1 the brightness control code. The example provided in the Office Action does not relate to setting a new brightness control code by decreasing by 1 a brightness control code provided by a display manufacturer. Additionally, there is no suggestion to combine Ichise with Mendelson. That is, Mendelson relates to luminance

ratios and an updated reference profile. There is no suggestion to modify Mendelson's teachings

to include the features of Ichise's cols. 5-6 so as to reach the features of dependent claim 48.

The applied references do not teach or suggest the features of dependent claim 48. Thus,

dependent claim 48 defines patentable subject matter at least for these additional reasons.

Dependent Claim 50

Dependent claim 50 depends from independent claim 28 and therefore defines patentable

subject matter at least for this reason. However, dependent claim 50 contains additional features

such that dependent claim 50 does not stand or fall together with independent claim 28.

For example, dependent claim 50 recites driving the display using the new brightness

control code such that the display is driven at the predetermined brightness. The Office Action

(on page 7) cites Mendelson's col. 16, lines 7-16 as teaching that the codes are replaced.

However, the cited paragraph states that an updated reference profile is stored and that the new

codes are stored and will be used in the driving of the display every time the display is used.

However, the updated reference profile relates to luminous ratios. See, for example, col. 16, lines

1-6. Thus, Mendelson does not teach the features of dependent claim 50 relating to a new

brightness control code.

Accordingly, the applied references do not teach or suggest the features of dependent

claim 50. Thus, dependent claim 50 defines patentable subject matter at least for these additional

reasons.

Independent Claim 36

Independent claim 36 recites adjusting the driving of the display <u>until the display is driven</u> <u>at a predetermined brightness</u> based on a result of the sensed brightness. Independent claim 36 also recites setting an adjusted brightness control code corresponding to the predetermined brightness. Independent claim 36 also recites repeating the driving, sensing, adjusting and setting <u>a plurality of times to set a plurality of different brightness control codes corresponding to a</u> <u>plurality of different predetermined brightnesses</u> of the display. Independent claim 36 further recites using one of the brightness control codes corresponding to a desired brightness level to drive the display at the desired brightness level.

For at least similar reasons as set forth above, Mendelson does not teach or suggest all the features of independent claim 36. Mendelson does not suggest setting an adjusted brightness control code <u>corresponding to the predetermined brightness</u> (and adjusting the driving until the display is driven <u>at a predetermined brightness</u>). The Office Action (on pages 3 and 6) cites Mendelson's FIG. 11, steps 1115-1130 for these features. However, the cited section discusses that images are displayed with the lamps set at four relative intensity levels (i.e., different combinations of <u>maximum</u> or <u>minimum</u>). See col. 15, lines 2-24; and Table 1 at col. 6, lines 57-64. Maximum and minimum intensity levels are not a predetermined brightness based on a sensed brightness.

Mendelson then discloses that a red image, a green image and a blue image are separately displayed at a relative intensity level as shown in Table 2. However, Mendelson does not include

any Table 2. See col. 15, lines 30-45. Mendelson's disclosed use of "intensity level" relates to "maximum" or "minimum." See Table 1. Appellant respectfully submits that the driving of a display by using lamps at a maximum or minimum does not teach or suggest driving of a display until the display is driven at a predetermined brightness based on a result of the sensed brightness. Mendelson does not suggest the "until" aspect or the based on a result of the sensed brightness aspect. See, for example, FIG. 7, steps S75, S79, S80 and S81 of the present specification showing the driving of the display until the display is driven at a specific brightness. The maximum or minimum of a lamp as discussed in Mendelson is not a predetermined brightness based on a result of the sensed brightness.

Additionally, Mendelson does not teach or suggest repeating the driving, sensing, adjusting and setting a plurality of times to set a plurality of different brightness control codes corresponding to a plurality of different predetermined brightnesses of the display. Mendelson does not relate to the claimed plurality of different brightness control codes or plurality of different predetermined brightnesses.

For at least the reasons set forth above, Mendelson does not teach or suggest the features of independent claim 36. Ichise does not teach or suggest the features of independent claim 36 missing from Mendelson. Thus, independent claim 36 defines patentable subject matter.

Dependent Claim 37

Dependent claim 37 depends from independent claim 36 and therefore defines patentable subject matter at least for this reason. However, dependent claim 37 contains additional features such that dependent claim 37 does not stand or fall together with independent claim 36.

For example, dependent claim 37 recites that the using comprises using a brightness control code corresponding to the desired brightness level to control an inverter that supplies power to the display. The Office Action cites Mendelson's col. 9, lines 28-42 and col. 10, lines 56-67. However, the cited section does not relate to a brightness control code and/or a brightness control code corresponding to the desired brightness level to control an inverter. Accordingly, the applied references do not teach or suggest at least these features of dependent claim 37. Thus, dependent claim 37 defines patentable subject matter at least for these additional reasons.

Dependent Claim 38

Dependent claim 38 depends from independent claim 36 and therefore defines patentable subject matter at least for this reason. However, dependent claim 38 contains additional features such that dependent claim 38 does not stand or fall together with independent claim 36.

For example, dependent claim 38 recites that the brightness control codes are set after the display is driven at the predetermined brightness. Mendelson does not suggest setting a brightness control code after adjusting the driving of the display. Accordingly, the applied

references do not teach or suggest the features of dependent claim 38. Thus, dependent claim 38 defines patentable subject matter at least for these additional reasons.

Dependent Claim 39

Dependent claim 39 depends from independent claim 36 and therefore defines patentable subject matter at least for this reason. However, dependent claim 39 contains additional features such that dependent claim 39 does not stand or fall together with independent claim 36.

For example, dependent claim 39 recites that the plurality of different brightness control codes are provided in an EDID format. The Office Action (on page 7) cites Mendelson's col. 9, line 66-col. 10, line 13 for these features. However, Mendelson very clearly describes that updated information is part of the monitor-specific color reference profile 595b (and thus not the VESA EDID 595a). See, for example, col. 11, lines 4-8; col. 13, lines 15-52; and col. 15, lines 1-5. Mendelson has no teaching that new brightness control codes are provided in the monitor-specific color reference profile 595b in an EDID format.

Accordingly, the applied references do not teach or suggest the features of dependent claim 39. Thus, dependent claim 39 defines patentable subject matter at least for these additional reasons.

Dependent Claim 49

Dependent claim 49 depends from independent claim 36 and therefore defines patentable subject matter at least for this reason. However, dependent claim 49 contains additional features such that dependent claim 49 does not stand or fall together with independent claim 36.

For example, dependent claim 49 recites that setting the adjusted brightness control code includes increasing or decreasing a previous brightness control code by 1. The Office Action (on page 9) states that Mendelson does not teach the features of dependent claim 49. The Office Action then cites Ichise's FIG. 3 and col. 5, line 17-col. 6, line 6 for the missing features. However, the cited section does not relate to brightness control codes. Further, the cited section does not teach or suggest increasing or decreasing a previous brightness control code by 1. The example provided in the Office Action does not relate to setting an adjusted brightness control code by increasing or decreasing a previous brightness control code by 1. Additionally, there is no suggestion to combine Ichise with Mendelson. That is, Mendelson relates to luminance ratios and an updated reference profile. There is no suggestion to modify Mendelson's teachings to include the features of Ichise's cols. 5-6 so as to reach the features of dependent claim 49.

The applied references do not teach or suggest the features of dependent claim 49. Thus, dependent claim 49 defines patentable subject matter at least for these additional reasons.

CLAIMS APPENDIX

The attached Claims Appendix contains a copy of the claims involved in the appeal.

EVIDENCE APPENDIX

Appellant has not provided any evidence with this appeal and therefore an Evidence Appendix is not provided.
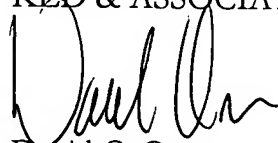
RELATED PROCEEDINGS APPENDIX

Appellant is not providing copies of related decisions and therefore a Related Proceeding Appendix is not provided.

CONCLUSION

It is respectfully submitted that the above arguments show that each of claims 28, 30-41 and 47-50 are patentable over the applied references. Based at least on these reasons, it is respectfully submitted that each of claims 28, 30-41 and 47-50 defines patentable subject matter. Appellant respectfully requests that the rejections of claims 28, 30-41 and 47-50 set forth in the February 21, 2007 Office Action be withdrawn.

Respectfully submitted,
KED & ASSOCIATES, LLP

David C. Oren
Registration No. 38,694

P. O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3777 DCO/kah
Date: August 22, 2007
Please direct all correspondence to Customer Number 34610

CLAIMS APPENDIX

28.   A method of setting brightness control codes of a display, comprising:

driving the display;

sensing a brightness of the display;

adjusting the driving of the display until the display is driven at a predetermined brightness based on the sensed brightness; and

setting an adjusted brightness control code corresponding to the predetermined brightness of the display, wherein the driving includes initially driving the display using a brightness control code provided by a display manufacturer, and wherein setting the adjusted brightness control code includes setting a new brightness control code corresponding to the predetermined brightness, the new brightness control code replacing the brightness control code provided by the display manufacturer.

30.   The method according to claim 28, wherein the driving, sensing, adjusting and setting are performed a plurality of times to set a plurality of different brightness control codes corresponding to a plurality of different predetermined brightnesses.

31.   The method according to claim 30, further comprising storing the plurality of brightness control codes in a memory of the display.

32.   The method according to claim 30, further comprising storing the plurality of brightness control codes in at least one of a system BIOS, an operating system and a microcontroller of a computer system.

33.   The method according to claim 30, wherein the setting comprises setting brightness control codes that indicate how to control an inverter that supplies power to the display.

34.   The method according to claim 30, wherein the setting includes setting high temperature brightness control codes that provide information about how t o control a brightness of the display when the display is operating at a high temperature.

35.   The method according to claim 28, wherein the adjusting comprises changing a signal applied to an inverter that supplies power to the display to adjust a brightness of the display.

36.   A method of controlling a display, comprising:

driving the display;

sensing a brightness of the display;

adjusting the driving of the display until the display is driven at a predetermined

brightness based on a result of the sensed brightness;

setting an adjusted brightness control code corresponding to the predetermined

brightness;

repeating the driving, sensing, adjusting and setting a plurality of times to set a

plurality of different brightness control codes corresponding to a plurality of different

predetermined brightnesses of the display; and

using one of the brightness control codes corresponding to a desired brightness

level to drive the display at the desired brightness level.

37.   The method according to claim 36, wherein the using comprises using a brightness

control code corresponding to the desired brightness level to control an inverter that supplies

power to the display.

38.   The method according to claim 36, wherein the brightness control codes are set

after the display is driven at the predetermined brightness.

39.   The method according to claim 36, wherein the plurality of different brightness control codes are provided in an EDID format.

40.   The method according to claim 28, wherein the new brightness control code is provided in an EDID format.

41.   The method according to claim 28, wherein setting the brightness control code occurs after adjusting the driving of the display.

47.   The method according to claim 28, wherein setting the new brightness control code includes increasing by 1 the brightness control code provided by the display manufacturer.

48.   The method according to claim 28, wherein setting the new brightness control code includes decreasing by 1 the brightness control code provided by the display manufacturer.

49.   The method according to claim 36, wherein setting the adjusted brightness control code includes increasing or decreasing a previous brightness control code by 1.

50.   The method according to claim 28, further comprising driving the display using the new brightness control code such that the display is driven at the predetermined brightness.